

REMARKS

I. Status of the Claims

Claim 1-3 are pending in the application, claims 1 and 2 are provisionally rejected for alleged obviousness-type double-patenting, and claim 3 is rejected under 35 U.S.C. §112, first paragraph. The specific grounds for rejection are set forth in detail below.

II. Objections & SIDS

Applicants note the objection to claim 1. A clarifying amendment is provided, and is mirrored in claim 3. Reconsideration and withdrawal of the objection is respectfully requested.

The examiner has indicated that newly cited reference C15, Asif *et al.*, could not be considered to the lack of a date. However, this reference is not prior art against the instant application and was merely provided as evidence in support of enablement.

III. Obviousness-Type Double-Patenting

Claims 1 and 2 are provisionally rejected under the judicially-created doctrine of obviousness-type double-patenting. Given the provisional nature of the rejection, applicants submit that the first application to be otherwise allowable should be passed to issue, and the rejection made non-provisional in the remaining application.

III. Rejection Under 35 U.S.C. §112, First Paragraph

Claim 3 remains rejected as lacking an enabling disclosure. According to the examiner, the absence of *in vivo* data, coupled with the complex nature of the biochemical pathways involved and the issues relating to delivery of nucleic acids to living subjects, render the claims non-enabled. Applicants again traverse, but in the interest of advancing the prosecution, the

claim has been canceled, rendering the rejection moot. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

IV. Conclusion

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. The examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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